

AMENDMENTS TO THE DRAWINGS

Substitute the originally filed drawings with the replacement sheets submitted herewith.

BS01058
BLL-0223

2

REMARKS

In response to the Office Action dated February 28, 2005, Applicants respectfully request reconsideration based on the above amendments and the following remarks. By this amendment claims 12-20 are canceled as being drawn to a non-elected invention, claims 21-32 are canceled without prejudice to expedite prosecution, and claim 33 is added. Applicants respectfully submit that the claims as presented are in condition for allowance.

The drawings were objected to. Submitted herewith is a replacement sheet addressing the objection.

Claims 2 and 9 were rejected under 35 U.S.C. § 112, first paragraph as allegedly failing to comply with the enablement requirement. The Examiner reasons that the specification fails to teach all the claimed steps being performed by the mobile switching center (MSC), as certain steps are performed by the mobile station. With regard to claim 2, Applicants respectfully submit that generation of a MAHO list by a MSC is described fully, e.g., at page 7 of the application. Claim 9 has been canceled, rendering the rejection of this claim moot.

Claims 1-11 and 12-32 were rejected under 35 U.S.C. § 112, second paragraph as allegedly being indefinite. It appears that the Examiner takes issue with the phrase "mobile assisted handoff" because some of the functions listed are performed by an MSC. Applicants assert that the fact that certain steps are "mobile assisted" does not render the claim indefinite. The claims do not require that all steps be performed solely by the MSC and thus "mobile assisted" is not vague or indefinite. Thus, the rejection under 35 U.S.C. § 112, second paragraph should be withdrawn.

Claims 1-11 and 21-32 were rejected under 35 U.S.C. § 102(b) as being anticipated by Bodin. Claims 21-32 have been canceled rendering this rejection moot. The rejection of claims 1-11 is traversed for at least the following reasons.

According to exemplary embodiments, relative signal strengths are ordered and compared to a threshold. Frequencies having signal strength higher than the threshold are then considered based on traffic level at each cellular site. First potential frequencies are determined based on signal strength, and then traffic is considered in selecting a frequency.

Claim 1, for example, recites "logically ordering the frequencies based on their relative signal strengths; identifying in the logically ordered set of frequencies those

BS01058
BLL-0223

frequencies having a signal strength higher than a predetermined threshold; associating a cellular site with at least each frequency in the set of frequencies that has a signal strength higher than the predetermined threshold; determining a level of traffic at each cellular site identified in the associating; and selecting a cellular site for handoff based at least in part on signal strength and in part on the level of traffic."

Bodin fails to teach "logically ordering the frequencies based on their relative signal strengths." In Bodin, the MSC receives signal strengths from neighboring cells, but there is no teaching that frequencies are logically ordered based on relative strengths. Bodin teaches in column 5, lines 1-3 that "[t]he signal strength results are always available in each cell. On request they will be provided to the MSC which looks for the best result." Looking for the best result is not the equivalent of logically ordering the frequencies based on relative strengths.

Further, Bodin fails to teach "identifying in the logically ordered set of frequencies those frequencies having a signal strength higher than a predetermined threshold" and "determining a level of traffic at each cellular site identified in the associating; and selecting a cellular site for handoff based at least in part on signal strength and in part on the level of traffic." In Bodin, the relative signal is compared to an entry threshold which already takes into account traffic. As described in the sections of Bodin cited by the Examiner, the entry threshold is based in part on traffic. Thus, Bodin performs a single comparison of relative signal strength to an entry threshold.

For at least the above reasons, claim 1 is patentable over Bodin. Claims 2-11 and new claim 33 variously depend from claim 1 and are patentable over Bodin for at least the reasons advanced with reference to claim 1.

In view of the foregoing remarks and amendments, Applicants submit that the above-identified application is now in condition for allowance. Early notification to this effect is respectfully requested.

If there are any charges with respect to this response or otherwise, please charge them to Deposit Account 06-1130.

Respectfully submitted,

BS01058
BLL-0223

By: 

David A. Fox
Registration No. 38,807
CANTOR COLBURN LLP
55 Griffin Road South
Bloomfield, CT 06002
Telephone (860) 286-2929
Facsimile (860) 286-0115
PTO Customer No. 36192

Date: May 31, 2005

BS01058
BLL-0223

7